(35)

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**W. P. (S) No. 3670 of 2007**

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| **Petitioner** | | B.L. Patel, aged about 51 years, S/o. Shri Santosh Kumar Patel, R/o. Range Officer, Chhura, Raipur Division, District Raipur (C. G.) |
| | Versus | |
| **Respondents** | 1. | State of Chhattishgarh, Through Secretary, Department of Forest, D.K.S. Bhawan, Raipur (C.G.) |
| | 2. | Chief Conservator of Forest D.K.S. Bhavan, Raipur (C.G.) |
| | 3. | Ayodhaya Singh Uike, Range Officer, Aavapalli production, Forest Division, Beejapur (C.G.) |

Writ petition under Article 226/227of the Constitution of India

**Single Bench** : Hon'ble Mr. Justice **Satish K. Agnihotri.**

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**Present :** Shri Sunil Otwani, counsel for the petitioner.
Shri Yashwant Singh Thakur, Govt. Advocate for the State/ respondent No.1 and 2.

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**ORDER**

**(Passed on this 29th day of June, 2007)**

(1) The petitioner, who is working as Range Officer, being aggrieved by his transfer from Chhura, East Forest Division, Raipur to Charama Forest Division, Kanker, has filed this petition on the ground that the transfer of the petitioner is effected within a period of three months, which is contrary to the transfer policy dated 13th June, 2007 (Annexure P-5). Sub Clause (V) of Clause II of the transfer policy prescribes that as far as possible, an employee be posted at a place for a minimum period of three years and if a transfer is made on the basis of some complaint, the complaint has to be verified to establish charges. This particular is applicable to the transfer made by Departmental Minister or State Minister, independent charge. It appears that by the impugned order dated 18-06-2007 (Annexure P-1) the petitioner along with 39 more officers has been transferred from one place to other place.

(2) The grievance of the petitioner that it amounts to frequent transfer, is not accepted, as frequent transfer means within a period of one or two years several transfers have been made. Transferring of an employee within a period of three months does not come under the definition of 'frequent transfers'. So far as transfer policy is concerned it is not mandatory but it is regulatory. The Government is competent to post an employee in administrative exigency and in the public interest. Since this order has not been passed against the petitioner alone but 39 more officers have been transferred by this order, thus this order can be held as an order based on public interest and due to administrative exigency.

(3) It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee is to be posted in the interest of administration and public. This Court has limited jurisdiction to interfere in transfer matters and this Court can interfere only in the case of proved mala fide, non-competence of the authority passing the transfer order, and order not being in conformity with the rules and regulations.

(4) As a result, the writ petition is dismissed summarily.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Karuna